

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SUSIE BIGGER, on behalf of herself)
Individually, and on behalf of all others)
similarly situated,)
) Case No.: 1:17-cv-7753
Plaintiffs,)
v.) Jury Trial Demanded
)
FACEBOOK, INC.,)
)
) Defendant.)

FACEBOOK'S NOTICE OF FILING SUPPLEMENTAL AUTHORITY

For the Court's consideration in connection with Plaintiff's pending Motion for Conditional Certification As A Collective Action And Issuance Of Notice Under 29 U.S.C. § 216(b) (Doc. No. 45) and Facebook's Opposition to that Motion (Doc. No. 54), Facebook hereby gives Notice of Filing of the Decision of the Fifth Circuit Court of Appeals in *In Re JPMorgan Chase & Company*, No. 18-20825, 2019 WL 758984, -- F.3d -- (5th Cir. February 21, 2019) wherein that court held that it was improper to authorize notice to putative class members who had signed arbitration agreements because "alerting those who cannot ultimately participate in the collective 'merely stirs up litigation,' which is what *Hoffman-LaRoche* flatly proscribes." *Id.* at *4 (quoting *Hoffman-LaRoche Inc. v. Sperling*, 493 U.S. 165, 169 (1989)). The Fifth Circuit's Opinion and Order is attached as Exhibit A.

Dated: February 27, 2019

Respectfully submitted,

/s/ Anneliese Wermuth

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing *Notice of Filing Supplemental Authority* was electronically filed with the Clerk of Court using the CM/ECF system and served upon the attorneys shown below by transmittal of a Notice of Electronic Filing:

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This the 27th day of February, 2019.

/s/ Anneliese Wermuth
